

MEMORANDUM

DATE: 12/19/01

TO: County Code Administrators
POWTS Plan Reviewers
Wastewater Specialists
Other Interested Parties

FROM: Roman A. Kaminski, Program Manager
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SUBJECT: Issuance of Permits for Large (>12,000 gpd Design Flow) Private Onsite Wastewater Treatment Systems

The current Memorandum of Understanding (MOU) signed by the Department of Commerce and the Department of Natural Resources (DNR) in 1999 identifies interim and long term approaches relative to each agencies authority under chs. 145, 160, 281, and 283, Wis. Stats., to administer and regulate onsite sewage systems.

The long term goal is for each agency to have complete and exclusive jurisdiction over either “small” or “large” onsite systems. Statutory and administrative rule changes are still needed to accomplish this goal. Until these changes are made, the interim approach delineated in the MOU for regulating large onsite systems continues to govern.

However, a better understanding of each agency's permitting functions has resulted in the following clarification. Until such time as the necessary statutory and administrative rule changes are enacted, in accordance with s. 145.19(1), Wis. Stats., a state Sanitary Permit will have to be issued for any large onsite sewage system reviewed and approved under the provisions of chapter Comm 83, Wis. Adm. Code. This Sanitary Permit is considered a “construction permit” and, unless the onsite system serves a state-owned facility, will be issued by the county in which the project is located. Issuance of the Sanitary Permit will allow the county to provide inspection oversight of the project. The DNR will continue their review these types of projects as identified in the MOU and the DNR will decide when to issue a WPDES permit that will serve as the “discharge and operating permit” for a project.

If you have any questions, please feel free to call. Thanks!